

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
GREENVILLE DIVISION

Joel Clay Bracken,

Plaintiff,

vs.

Simmons First National Bank,

Defendant.

Civil Action No. 6:13-1377-TMC

**ORDER**

Plaintiff, proceeding *pro se*, filed this action alleging a claim pursuant to the Truth in Lending Act, the Federal Trade Commission Act, the South Carolina Consumer Protection Code, and the South Carolina Unfair Trade Practices Act. In accordance with 28 U.S.C. § 636(b)(1) and Local Civil Rule 73.02, D.S.C., this matter was referred to a magistrate judge for pretrial handling. Before the court is the magistrate judge's Report and Recommendation ("Report"), recommending that the court grant Defendant's motion to dismiss. (ECF No. 83). Although advised of his right to do so, Plaintiff has not filed objections to the Report, and the time to do has now run.

The Report has no presumptive weight and the responsibility to make a final determination in this matter remains with this court. *See Mathews v. Weber*, 423 U.S. 261, 270-71 (1976). In the absence of objections, this court is not required to provide an explanation for adopting the Report. *See Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983). Rather, "in the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation." *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (quoting Fed. R. Civ. P. 72 advisory committee's note).

After a thorough review of the Report and the record in this case, the court adopts the magistrate judge's Report (ECF No. 83) and incorporates it herein. It is therefore **ORDERED** that Defendant's motion to dismiss for failure to state a claim (ECF No. 67) is **GRANTED**. Accordingly, Plaintiff's motion to compel (ECF No. 80) is **DENIED as moot**.

**IT IS SO ORDERED.**

s/Timothy M. Cain  
United States District Judge

June 9, 2014  
Anderson, South Carolina

**NOTICE OF RIGHT TO APPEAL**

The parties are hereby notified of the right to appeal this order pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.